

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:15-cv-04844-DSF (KLS)	Date	September 14, 2015
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Title	Warith Deen Abdullah v. B. Phillips et al
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Present: The Honorable	Karen L. Stevenson, United States Magistrate Judge
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Roxanne Horan Walker	n/a
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
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None present	None present
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Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

This is a *pro se* civil rights action that the Court recently transferred to Judge Stevenson's docket. Plaintiff Warith Deen Abdullah filed a complaint on June 26, 2015, in which he alleged, *inter alia*, that Defendant B. Phillip and other correctional officers at California Men's Colony, transferred plaintiff to another prison in retaliation for filing grievances against prison staff. (ECF No. 1.) Plaintiff alleged violations of his civil rights under 42 U.S.C. § 1983 by reason of his rights under the first, Eighth, and Fourteenth Amendments to the United States Constitution. (*Id.*)

On July 30, 2015, the Court ordered the United States Marshal to serve the defendants named in the Court's order. (ECF No. 7.) On the same date, the Court directed the Clerk of Court to provide plaintiff with the appropriate number of USM-285 forms with service of process instructions. (ECF No. 10.) Plaintiff was ordered to file with the Clerk of Court, **no later than August 31, 2015**, a Notice of Submission indicating that he had submitted all required documents to the United States Marshal for service of the Complaint. (*Id.*)

The deadline for Plaintiff to file the Notice of Submission is now more than 14 days past. However, to date, Plaintiff has failed to file a Notice of Submission as directed by the Court, or otherwise communicate with the Court regarding this matter.

A *pro se* litigant "is subject to the same rules of procedure and evidence" as other parties "who are represented by counsel." *United States v. Merrill*, 746 F.2d 458, 465 (9th Cir. 1984). Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff "fails to prosecute or to comply with these rules or a court order." On that basis, the Court could properly recommend dismissal of the action for Plaintiff's failure to timely comply with the Court's Order of July 30, 2015.

Accordingly, on or before **September 24, 2015**, Plaintiff is **ORDERED TO SHOW CAUSE**, why the Court should not recommend that this action be dismissed with prejudice for failure to prosecute. Plaintiff may discharge this Order by filing a **declaration signed under penalty of perjury**,

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explaining in detail why he has failed to comply with the Court's July 30 order. Alternatively, plaintiff may discharge this Order by filing the required Notice of Submission.

Instead of filing a response to the instant Order, Plaintiff may request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). A Notice of Dismissal form is attached for Plaintiff's convenience.

Plaintiff is advised that the failure to respond to this order will lead the Court to conclude that Plaintiff does not intend to continue this action, and the action will be dismissed on that basis and under Federal Rule of Civil Procedure 41(b) for failure to prosecute the action.

IT IS SO ORDERED.

Initials of Preparer

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